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I do not know what right Mr. Ball has to state that I consider it "superficial and immoral" to criticise any system. I have certainly never said so, and most of my writing so far has consisted in pointing out defects in the working of our present industrial and social organization. That I look for a cure in the moralization of the individual rather than in the machinery of a "popular control of industry" is another matter. What I *do* regard as superficial and immoral are the particular methods of handling facts and figures, and of gaining popularity, adopted by the Socialist Propagandists. This is what I have explained in the article referred to by Mr. Ball. As for my poor old spinster, it has been most amusing to see how our opponents have seized upon her as the salient weak point in our arguments, until I am almost tempted to ask whether under the Socialist *régime* there will be a special department for boiling kettles for poor old women, and so obviating the necessity for neighborly kindness.

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DIRECT LEGISLATION DEFENDED.

MR. A. LAWRENCE LOWELL had an article in THE INTERNATIONAL JOURNAL OF ETHICS for October, 1895 (vol. vi., pp. 51-63), attacking Direct Legislation—the Initiative and the Referendum—argumentatively and in its actual use in Switzerland. In my opinion his logic is faulty, and after careful investigation, including statements from authorities on the ground, I am sure that many of his facts are only half-truths.

As an illustration of Mr. Lowell's faulty logic, he refuses to class the control of the liquor traffic by local option, so common in this country, as a species of the Referendum. He says: "It becomes a law without regard to their wishes, and the question of its application in any district is decided solely by the voters of that district. Such a system is, therefore, only a method of local self-government." The last statement is correct, and that is just what Direct Legislation is, "a method of local self-government." But how Mr. Lowell can say, "it becomes a law without regard to their wishes," when it can be applied or not as the voters wish, I cannot see. The latter part contradicts the first. The Grand Council of the Canton of Berne passes a proposed law, but it cannot go into effect until a majority of the voters in Berne have voted in favor of it. This is the obligatory referendum, where all laws have to be

referred to the people and voted on. The legislature of Massachusetts passes a proposed local option law, and the voters of Boston vote to license saloons, while the voters of Brookline vote to have no saloons. This is the Referendum. And a great variety of other subjects are now being decided by the Referendum, from the voting of bonds in Georgia to the adoption of the Torren's system of transferring land-titles in Illinois, from the voting in Newark, N. J., to increase the pay of policemen from \$2.75 to \$3.00 per day, to voting the payment of bounties for the killing of wolves in Nebraska.

Now as to some of Mr. Lowell's errors of fact. He says: "The history of popular voting in Switzerland reveals a marked tendency to reject radical measures. . . . Strange as it may seem, the tendency to reject radical projects applies to labor laws and other measures designed to improve the condition of the working-classes. . . . In 1870, the people (of Zurich) rejected a cantonal law which reduced the period of work in factories to twelve hours a day, etc." This last is true. The reasons for this rejection are given to me by Hon. Charles Burkly, of Zurich, who for years has been, and is still, a member of the legislative council. He says: "The reasons for this rejection are manifold. First, a great number of industrial workingmen only worked twelve hours, anyway, and a large part of them, if not a majority, worked only eleven, ten-and-a-half, and ten. These, of course, voted 'no,' fearing that such an ugly legal working-day might lengthen their working-time. Second, the poor, half-starved weavers and spinners feared a reduction of wages, which their masters authoritatively told them would be the case. And, thirdly, the bulk of the peasantry, being impartial and not at all concerned, would not force it on the city workers, when it was very evident they did not want it. So that only 18,216 voted 'yes,' and 26,883 voted 'no.'" When workingmen who work less than twelve hours a day vote against a twelve hour day, it puts an entirely different face on the cause of its rejection.

Switzerland, as a whole, is ahead in factory and labor legislation of the State of Massachusetts, which is ahead of the other States in the Union; and the Canton of Zurich, containing the manufacturing city of the same name, has stronger and better labor laws than the country or non-manufacturing cantons. It is true they sometimes reject laws which purport to be in the interests of labor. But the title of a law does not always correctly characterize it.

Again, Mr. Lowell speaks of the rejection of a similar federal law in 1877. In 1877 the Swiss people accepted a law fixing eleven hours as the legal working-day by a vote of 181,204 "yes" against 170,857 "no," and in Zurich the vote was 26,443 "yes" and 26,492 "no," a slight majority for rejection. These facts were published in *The Direct Legislation Record* for September, 1894, and in German in the book entitled "Initiative and Referendum," by Herr Heinrich Stulsi, the Zurich Secretary of State.

To show the Swiss feeling about the working-day, it is only necessary to state that the first normal working-day legally fixed in Europe was enacted in 1864 in the Canton of Glarus by the Lands-gemeinde, or by Direct Legislation. Also, in Zurich, on August 12, 1894, a law limiting female workers to ten hours a day was adopted by a vote of about 45,000 "yes" to 11,000 "no."

Mr. Lowell says that, in 1878, they rejected a law establishing a school of weaving, and, "moreover, they have repeatedly rejected measures for increasing the amount of education in the public schools (1872, 1885, 1888, and 1891), and they have refused to sanction bills to provide free text-books for the children (1887 and 1888)." These facts are true, because, as Mr. Burkly says: "Our peasantry and factory hands are too poor to send their children to school two years longer, as these laws of 1872, 1885, 1888, and 1891 intended. They, like the English gentlemen in Parliament, do not make laws against their own interests. Our peasants say: 'It's all very well, and we're grateful for the good meaning; but we are not rich enough to do it, and, therefore, we reject it.'"

Yet the Canton of Zurich and its communes (municipalities) spend yearly (1892) six and a half million francs (about \$1,300,000) for education, and the population is about 350,000 (the census of 1888 shows 338,580). This is an average of \$3.71 per head of population. According to the "Statesman's Year Book," an acknowledged authority, there was spent on education in Italy, in 1887-88, by the state, 41,000,000 lire, in 1886 by the provinces, 5,000,000 lire, and by the communes in the same year, 62,000,000 lire, or a total of 108,000,000 lire, which is, in round figures, \$21,600,000; or, reckoning the population at 30,000,000 (it was 30,565,253 in 1888), this would be 72 cents per head.

Following the same method, and using facts from the same authority, one finds that Prussia pays 57 cents per unit of population; Wurtemberg, 55 cents; France, 74 cents; the United States,

just under \$2.00, and, according to David A. Wells, in "Recent Economic Changes," Great Britain and Ireland pay \$1.45.

Switzerland is a poor country compared with either our own country or England, yet the Canton of Zurich under the Referendum, which Mr. Lowell says "has a purely negative effect," spends in proportion to population nearly double the amount spent on education in the United States, more than two and a half times the amount spent in England, and from five to seven times the amount spent in her surrounding countries.

Zurich has the obligatory referendum, and every one of the laws appropriating these large amounts for education has been approved by the people. It is no wonder that, of all the laws submitted to the people, some could be found which, while good in themselves, were too expensive for the people to adopt. Very likely these laws were passed by the legislative body just to get the opinion of the people on the question of expense and heavier taxation.

In speaking of the Initiative, Mr. Lowell says: "The required number of voters demanded an amendment (to the national constitution) forbidding the slaughter of animals by bleeding, a measure whose real object was not to prevent cruelty, but to harass the Jews. The Federal Assembly urged the rejection of the bill as opposed to the principles of religious liberty guaranteed by the constitution, but it was nevertheless enacted by a popular vote." This is incorrect. The measure was formulated and urged by the Society for the Prevention of Cruelty to Animals. It simply forbids the bleeding of animals to death without their first being rendered insensible. It was not done to harass the Jews, who number only eight thousand in a population of between three and four millions. The fact that animals are still slaughtered according to the Talmudic customs, although they must first be rendered insensible, at once disproves this. This was not, as Mr. Lowell calls it, "a petty persecution of the Jews," but a humane act which it would be well for other countries to imitate.

Again he says: "Of the measures proposed and rejected at the polls, some were good and some bad, but they are of no consequence to us, for what we want to know is, the effect of the Initiative in producing legislation. The net, direct result in Zurich during twenty-four years has been the enactment of only three laws to which the legislature was opposed. . . .

"We are forced to conclude, therefore, either that the wants of the people are satisfied by the action of the legislature, and if so,

the Initiative is needless, or that it has not enabled them to express their real wishes, in which case it is a failure."

This would be a good argument against the Initiative, if it did not overlook the very best part of the results of both the Initiative and the Referendum, the indirect results. Hon. Charles Burkly says: "The best is what is not seen at all; many laws formerly unscrupulously made by the deciding representative or parliament are not now made because of the fear of rejection." The same is true of the Initiative. Desirable laws are not smothered, but are brought up for discussion and adoption because of the fear of an Initiative petition. This recently happened in Geneva regarding the abolishment of brothel licensing. The Initiative and Referendum have produced far more than the direct results seen in the defeat or enactment of certain laws. They have produced law-making bodies which strive to get at and enact the will of the people, and which are free from corruption. During the last quarter of a century there has hardly been a single charge of corruption against a member of the Swiss National Council. What other country can show such a result? It has produced a set of law-makers who are elected year after year, even by voters some of whom are directly opposed to their opinions. But they know that these men are experienced in drafting laws, and that, if at any time they pass a law which the people do not want, the people can defeat it. During a recent election only two candidates for re-election were defeated. Legislators, or, as they are more properly called, councillors, have practically life-tenure. This system makes the people take an interest in policies and principles, instead of in the history of parties and the *personnel* of candidates. This is highly educational. The indirect results of the Initiative and Referendum, which Mr. Lowell has completely overlooked, are the more important.

Mr. Lowell says: "Surely a destruction of the limitations of our government which would allow absolute power to be wielded by any group of men who could get control of the state, would not be a benefit to the working-classes." This is true. But when all the people decide on a law, surely it would be impossible for a "group of men" to wield "absolute power." The reverse would happen. The trouble with our system now is that a corporation or a group of corporations wield, through corruption, almost absolute power. Direct Legislation would prevent this.

"In a community," says Mr. Lowell, "as complex as ours,

legislation is a very intricate matter, and requires a great deal of careful study." Rittinghausen tells how, during a discussion on the adoption of the National Referendum in Switzerland years ago, this same argument was brought up in a public meeting, and great stress was laid on the relations of the church and state, and the fact that the common people could not possibly understand the "Concordat." A workingman raised his hand, and being given an opportunity to speak, said, "Let him who wants to pray, pay." The people would likely cut through these intricate problems in some such common-sense and just manner. Our legislation is made intricate so that people cannot understand how they are governed. It should be simple. The Canton of Berne, with the obligatory Referendum, has passed an average of four laws a year during the last score of years. In 1891 or 1892, there were thirteen thousand national and State laws passed in this country. New Jersey alone passed six hundred, some of which are longer than the whole Justinian Code.

Mr. Lowell further says: "It (the Referendum) would probably be used chiefly in the case of laws that had aroused a good deal of party feeling and had been carried as party measures." It strikes me that this would be a very good thing, as partisan measures are usually good for the party and bad for the people. Washington's prophecy in his farewell address, as to the evils of partisanship, has come true. Direct Legislation has preserved what is good in parties in Switzerland, but it has killed the bitter partisan feeling which is a curse here.

To quote again: "The Referendum . . . is essentially a check on legislation, a method by which the people can reject measures, but not, in any sense, a means of passing laws. . . . The Referendum, therefore, could not produce legislation for the benefit of the working-classes, and would be likely to hinder it. The instrument designed for the popular creation of laws is the Initiative. . . . It has not been a success in its native country." Mr. Lowell goes on in the same strain, overlooking entirely the fact that, in forcing the law-drafting body to obey the people, the Initiative and Referendum have been a great success—yes, a success also in enacting laws for the benefit of the working-classes, but not for the benefit of one class when such a law would work for the detriment of other classes. The Initiative and Referendum are not a failure in Switzerland. While some of the politicians would gladly oppose and repeal those institutions, not a

single public man dare openly oppose them, so strongly are they rooted in the hearts of the Swiss people.

In his closing paragraph, Mr. Lowell says: "If the Referendum and the Initiative were instruments by which the laboring class could legislate for its own special benefit, they would be mischievous. Class legislation, enacted by a class, is absolutely inconsistent with democracy, which is a government by the whole people for the benefit of the whole people." True; and that is just what Direct Legislation is; it is a means by which any class or group in a community, whether village, city, State, or nation, can bring up its grievances and its proposed remedy for such grievances before the whole people for discussion, and then the whole people decides on the proposed remedy. The laboring class can force a discussion on some measure for its own special benefit, but it cannot, unless the people agree with it, make this measure a law. Direct Legislation will prevent class legislation.

As Mr. Lowell truly says, "If history proves anything, it proves that a democracy in which any one class becomes too powerful is doomed."

ELTWEED POMEROY.

NEWARK, N. J.

SPINOZA'S DOCTRINE OF THE RELATIONSHIP BETWEEN MIND AND BODY.

EVERY student of Spinoza has doubtless felt the difficulty of reconciling those propositions in the *Ethic* which appear to make the mind dependent on the body, with other propositions, especially in the fifth part, in which Spinoza maintains, not only the power of the mind over the passions, but its immortality. I propose to offer a few observations, which, if they do not solve the problem, may remove some of its difficulties.

It is presupposed, of course, that the reader is familiar with the *Ethic*, and knows what Spinoza means by extension and thought, and what he understands to be the connection between them.

According to Proposition 13, Part 2, "the object of the idea constituting the human mind is a body, or a certain mode of extension actually existing, and nothing else." For "idea" we may substitute "knowledge," and Spinoza himself uses the phrase "idea or knowledge." The "idea constituting the human mind" is therefore a certain aggregate of knowledge. What is meant by "object"? At first sight it might be supposed that the body is the